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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,951

02/27/2007

Jeffrey Wilson

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23908 7590 07/31/2009
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER

GEORGEWILL, OPIRIBO

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,951	Applicant(s) WILSON, JEFFREY	
	Examiner OPIRIBO GEORGEWILL	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/02/2008 and 5/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:
3. Applicable subtitles to sections in the disclosure are missing. Applicant is required to use the applicable subtitles below to identify relevant sections in the disclosure.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
- (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 6, the recitation "may be in the form of" leads doubt on whether the following limitations, "an international number or a short code" is a required element in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 7. Claims 1, 2, 3, 9, 12, 27, 28, 29, 35 and 38 rejected under 35 U.S.C. 102(b) as being anticipated by Wilson, Jeffrey., EP Pub No. 1195975 A2 henceforth "Wilson".**

Re claim 1, Wilson discloses a telephone terminal (fig 1, MS) operable to transmit (page 3, line 27, receiving a text message from a mobile station, implies transmitting) dialling information (page 3, line 29, request for call connection to a telephone number) to a telephone network(paragraph [42], MS communicating with a network), the terminal having an operating text mode of entry for specifying a desired connection in which dialling information is entered in a form that comprises text (page 3, lines 29 - 30, receiving text message as a request for call connection to a telephone number associated with the received text message) and is transmitted from the terminal to the network (page 3, lines 28 - 30).

The rejection of claim 1 is incorporated herein. Claims 2, 3, 9 and 12 depend on claim 1 and only further limitations will be addressed below.

Re claim **2**, Wilson disclose that the connection to be established is a voice connection (page 4, lines 13 – 20, implies some of the connections are voice connections).

Re claim **3**, Wilson discloses that the terminal is a mobile terminal (fig 1, MS; fig 2, ref 1)

Re claim **9**, Wilson discloses that the terminal is operable to answer an outdialed call from the network in order to initiate the desired connection (paragraph [46], the switch block (network) then makes two outdialed telephone calls, one to the user (terminal) and another to the ARCHER service; implies that the user has to answer the call to initiate the desired connection).

Re claim **12**, Wilson discloses that the dialed information is transmitted by SMS (paragraph [27], the user compiles an SMS text message).

Re claim **27**, it is drawn to the apparatus by the corresponding method claim 1 and is rejected for the same reasons as above.

Re claim **28**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 2 and is rejected for the same reasons as above.

Re claim **29**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 3 and is rejected for the same reasons as above.

Re claim **35**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 9 and is rejected for the same reasons as above.

Re claim **38**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 12 and is rejected for the same reasons as above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: **(See MPEP Ch. 2141)**

- a. Determining the scope and contents of the prior art;
 - b. Ascertaining the differences between the prior art and the claims in issue;
 - c. Resolving the level of ordinary skill in the pertinent art; and
 - d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.
9. **Claims 4, 7, 10, 11, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 33, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Jeffery., EP Pub No. 1195975 A1 henceforth “Wilson” as applied in claim 1 above in view of Ure, Michael J., WIPO Pub No. 98/35481.**

The rejection of claim 2 is incorporated herein. Claim 4 depends on claim 2 and only further limitations will be addressed below.

Re claim **4**, Wilson discloses the claim invention but is silent on the key entry means. Ure in analogous art discloses a setting up a telephone connection using dialing information in the form of text (see abstract) so as to achieve the convenience of text address in telephonic communication (page 3, last line). Ure

further discloses that when the identifier (dialing information) has been entered, the user presses the send key (key entry means operable to confirm the dialing information for transmission). It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to incorporate the teaching of Ure into the disclosure of Wilson to have a key entry means operable to confirm the dial information so as to achieve the convenience of text address in telephonic communication.

The rejection of claim 1 is incorporated herein. Claims 7, 10 and 11 depend on claim 1 and only further limitations will be addressed below.

Re claim **7**, the combined teaching of Wilson in view of Ure, as a whole, discloses the combining of the step of entering of text and confirming the dialing information with the step of initiating a call to the network (Wilson: paragraph [23], lines 31 – 34)

Re claim **10**, the combined teaching of Wilson in view of Ure, as a whole, discloses the terminal has key entry means to place the terminal into the operating text dialing mode from a standby mode (Ure: page 6, last line - page 7 second line, center soft key).

Re claim **11**, the combined teaching of Wilson in view of Ure, as a whole, discloses that the terminal can switch to a numerical entry mode in which the terminal is operable to enter dialing information in a form that consist of numeric information for transmission to the network (Ure: page 6, last line to page 7, fifth line, END key)

Re claim **14**, it has similar limitations to claim 10 and is rejected for the same reasons as above.

Re claim **15**, as applied to claim 14 above, it has similar limitations to claim 2 and is rejected for the same reasons as above.

Re claim **16**, as applied to claim 14 above, it has similar limitations to claim 3 and is rejected for the same reasons as above.

Re claim **17**, as applied to claim 14 above, it has similar limitations to claim 4 and is rejected for the same reasons as above.

Re claim **20**, as applied to claim 14 above, it has similar limitations to claim 7 and is rejected for the same reasons as above.

Re claim **22**, as applied to claim 14 above, it has similar limitations to claim 9 and is rejected for the same reasons as above.

Re claim **23**, as applied to claim 14 above, it has similar limitations to claim 10 and is rejected for the same reasons as above.

Re claim **24**, as applied to claim 14 above, it has similar limitations to claim 11 and is rejected for the same reasons as above.

Re claim **25**, as applied to claim 14 above, it has similar limitations to claim 12 and is rejected for the same reasons as above.

Re claim **26**, as applied to claim 15 above, it has similar limitations to claim 13 and is rejected for the same reasons as above.

Re claim **30**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 4 and is rejected for the same reasons as above.

Re claim **33**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 7 and is rejected for the same reasons as above.

Re claim **36**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 10 and is rejected for the same reasons as above.

Re claim **37**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 11 and is rejected for the same reasons as above.

10. Claims 5, 6, 8, 31, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Jeffery., EP Pub No. 1195975 A1 henceforth "Wilson" as applied in claim 1 above in view of Wilson, Jeffery., WIPO Pub. No. 01/08430 A1 henceforth "Wilson2".

The rejection of claim 1 is incorporated herein. Claims 5 and 8 depend on claim 1 and only further limitations will be addressed herein.

Re claim **5**, Wilson discloses the claim invention but is silent on the terminal being operable to initiate a connection to the network by dialing to a service number. Wilson2 in analogous art discloses a mobile terminal receiving directory enquiry information in response to a text message request (see abstract) so as to have a universal scheme to easily access telephone numbers in a telephone networks (page 2, lines 14 - 16). Wilson2 further discloses the use of SMS both for transmitting the request to the network and for delivering the number or optionally a handset modification which would allow an audio call to be set up

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(indialing) (page 4, lines 3 - 7). It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to incorporate the teaching of Wilson2 into the disclosure of Wilson to have the terminal initiate a connection to the network by indialing to a service number so as to have a universal scheme to easily access telephone numbers in a telephone Network.

The rejection of claim 5 is incorporated herein. Claim 6 depends on claim 5 and only further limitations will be addressed below.

Re claim **6**, the combined teaching of Wilson in view of Wilson2, as a whole, discloses that the number is predetermined and accessed by short code (Wilson: paragraph [28], the access number for which may be a memorable (predetermined) short code).

Re claim **8**, the combined teaching of Wilson in view of Wilson2, as a whole, discloses at least part of the dialing information transmission and processing time takes place in parallel with call set-up time for an indialed call to the network (Wilson2: page 4, lines 3 – 7, allow an audio call to be set up in parallel with the requesting SMS message).

Re claim **31**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 5 and is rejected for the same reasons as above.

Re claim **32**, as applied to claim 31 above, it is drawn to the apparatus by the corresponding method claim 6 and is rejected for the same reasons as above.

Re claim **34**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 8 and is rejected for the same reasons as above.

11. Claims 13 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Jeffery., EP Pub No. 1195975 A1 henceforth “Wilson” as applied in claim 1 above.

The rejection of claim 1 is incorporated herein. Claim 13 depends on claim 1 and only further limitations will be addressed below.

Re claim **13**, Wilson disclose including a display operable to display a text string received from the network as part of a text communication, and operable on entry of a confirmation action by the user to transmit the text string to the network, and initiate automatically a connection to a service platform (paragraph [34], the system could send an SMS message back to the user (implies display and received from the network part) if so reply (confirmation action by the user); paragraph [35], message would be identified and the user connected to the appropriate service). Wilson is silent on the text being a calling line identity however, it would be obvious to a person having ordinary skill in the art, at the time of the invention, that the text string can be a call line identity because the system disclosed by Wilson only required Alphanumeric identifier (paragraph [40]) that can uniquely identify the telephone number (paragraph [24]).

Re claim **39**, as applied to claim 27 above, it is drawn to the apparatus by the corresponding method claim 13 and is rejected for the same reasons as above.

12. Claims 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Jeffery., EP Pub No. 1195975 A1 henceforth

“Wilson” as applied in claim 1 above in view of Wilson, Jeffery., WIPO Pub. No. 01/08430 A1 henceforth “Wilson2” and further in view of Ure, Michael J., WIPO Pub No. 98/35481.

Re claim **18**, as applied to claim 14 above, it is drawn to the apparatus by the corresponding method claim 5 and is rejected for the same reasons as above.

Re claim **19**, as applied to claim 18 above, it is drawn to the apparatus by the corresponding method claim 6 and is rejected for the same reasons as above.

Re claim **21**, as applied to claim 14 above, it is drawn to the apparatus by the corresponding method claim 8 and is rejected for the same reasons as above.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OPIRIBO GEORGEWILL whose telephone number is (571)270-7926. The examiner can normally be reached on Monday through Thursday, 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OPIRIBO GEORGEWILL/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617